

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has decreased.

Amendment to the Claims

Applicants have amended Claims 1, 23, 31, and 39 to recite a plurality of water-insoluble fibers and a plurality of superabsorbent material particles or fibers intermixed with the plurality of water-insoluble fibers. Support for this Amendment can be found at, for example, page 5, first full paragraph, page 14, third paragraph, and page 14, last paragraph (continuing onto page 15), of Applicants' Specification. Claims 5-7, 27, 35, and 43 have been amended in view of amended Claims 1, 23, 31, and 39, respectively. Claims 9 and 51 have been canceled in view of amended Claims 1 and 39, respectively. No new matter has been added by this Amendment.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1, 5-11, 13-23, 27, 28, 30, 31, 35, 36, 38, 39, 43, 44, 46, 47, 51, 52, and 54 under 35 U.S.C. §102(a) as anticipated by Chen et al., U.S. Patent No. 6,261,679, is respectfully traversed.

Amended independent Claims 1, 23, 31, and 39 recite a plurality of water-insoluble fibers and a plurality of superabsorbent material particles or fibers intermixed with the plurality of water-insoluble fibers. The Chen et al. Patent does not disclose or suggest superabsorbent material particles or superabsorbent material fibers in the disclosed inventive fibrous absorbent structure, and therefore does not anticipate Applicants' claimed invention.

The Office Action points to Col. 28, lines 27-32, of the Chen et al. Patent in rejecting Applicants' Claims 9 and 51 (now canceled). The paragraph at Col. 28, lines 22-37, of Chen et al. states in full:

A continuous web of an absorbent fibrous structure can be molded, shaped or cut into desired shapes for use in absorbent articles. Cutting of the embryonic, semi-cured, or cured absorbent fibrous structure can be done with hydraulic jets, air knives, dies and stamps, metal blades or saws, lasers, and the like. The absorbent fibrous structure can be laminated, joined to, or coupled with elastomeric films or threads, plastic films including apertured films, nonwoven webs such as spunbond or meltblown layers, airlaid materials, creped or uncreped tissue webs, coform composite material, superabsorbent materials and fibers, biodegradable webs, laminated structures, other foam layers, including open cell and closed cell foams and reticulated open cell webs, textiles such as cotton webs, fluff pulp mats, activated carbon materials, and the like, using methods known for high-speed assembly of absorbent articles.

Considering the above paragraph as a whole, the Chen et al. Patent is clearly discussing how the inventive absorbent fibrous structure can be further connected to other materials in forming an absorbent article. The Chen et al. Patent does not disclose or suggest to mix superabsorbent material particles or fibers with the fibers of the inventive absorbent fibrous structure.

As the fibrous absorbent composite of the Chen et al. Patent does not include superabsorbent material particles or fibers intermixed with the fibers, the fibrous absorbent composite of the Chen et al. Patent would not have or be expected to have Applicants' recited intake rate and liquid lock-up fraction.

For at least the above reasons, the Chen et al. Patent does not anticipate Applicants' invention of amended Claims 1, 23, 31, and 39. Claims 5-11, 13-22, 27, 28, 30, 35, 36, 38, 43, 44, 46, 47, 51, 52, and 54 depend from Claims 1, 23, 31, and 39, respectfully, and are thus patentable for at least the same reasons. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 2-4, 12, 24-26, 29, 32-34, 37, 40-42, 45, 48-50, and 53 under 35 U.S.C. §103(a) as being unpatentable over Chen et al., U.S. Patent No. 6,261,679, is respectfully traversed.

Claims 2-4, 12, 24-26, 29, 32-34, 37, 40-42, 45, 48-50, and 53 depend from Claims 1, 23, 31, and 39, respectfully, and are thus patentable for at least the same reasons presented above.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not resolved in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark D. Swanson
Registration No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403